REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	28 August 2003
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Letter Dated 3 October 2001
Other Known Title(s):	Not Stated
Director(s):	Not Applicable
Producer(s):	Not Applicable
Publisher:	Not Applicable
Author(s):	Not Applicable
Format:	Letters
Country of Origin:	Mexico
Language(s):	English, Spanish

Components of film originally examined: Not Applicable.

Feature: Running Time:

Trailers: Running Time:

Total Running Time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Unrestricted.

Display Conditions:

Not Applicable.

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Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The above publication is classified as:
Unrestricted.

The publication is a letter from a man living in Mexico to another living in New Zealand. It has been compiled on a computer and is accompanied by candid photographs of boys appearing to be under the age of 14 years, often wearing swimming shorts. Most text indicates that the author, and the recipient, find the photographs of the boys to be attractive and arousing.

Although some salacious intent may be implied by the letter and accompanying photographs it does not patently describe or depict sexual activity. Having applied the test in *Living Word v Human Rights Action Group (Wellington)* it is considered that the publication in question cannot fairly be described as dealing with matters such as sex under s3(1) of the Films, Videos, and Publications Classification Act 1993. The Classification Office therefore has no jurisdiction to determine whether the publication is "objectionable" or "objectionable except in particular circumstances", and the publication must be classified as unrestricted. This classification is consistent with the right of freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.

OFLC No: 300722